



Docket No.: 249422US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/787,095  
Applicants: Yoshinori HAYASHI, et al.  
Filing Date: February 27, 2004  
For: OPTICAL SCANNER AND IMAGE FORMING  
APPARATUS  
Group Art Unit: 2872  
Examiner: KHATRI, P.

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION OF SPECIES**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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DOCKET NO: 249422US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YOSHINORI HAYASHI, ET AL. : EXAMINER: KHATRI, P.  
SERIAL NO: 10/787,095 :  
FILED: FEBRUARY 27, 2004 : GROUP ART UNIT: 2872  
FOR: OPTICAL SCANNER AND IMAGE :  
FORMING APPARATUS

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement stated in the Official Action dated July 14, 2005, Applicants provisionally elect the species a. corresponding to the embodiment of Fig. 1, and identify Claims 1-9 and 23, as readable on the elected species.

Applicants respectfully traverse the outstanding election requirement for the following reason.

MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present application would appear to be part of an overlapping search area. Applicants therefore respectfully submit that there is no undue burden on the Examiner to search all the claims under MPEP §803, and traverses the Election of Species Requirement

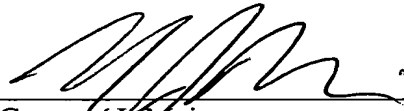
Application No. 10/787,095  
Reply to Office Action of July 14, 2005

on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits of each of Claims 1-26 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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